

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

**DEFENDANTS' UNOPPOSED MOTION TO STAY**  
**PLAINTIFF'S COUNTS I AND II OF ALLEGED INFRINGEMENT OF**  
**U.S. PATENT NOS. 8,116,929 AND 8,593,521, RESPECTFULLY, PENDING**  
**INTERNATIONAL TRADE COMMISSION INVESTIGATION**

Pursuant to 28 U.S.C. § 1659(a) (providing for a mandatory stay of district court proceedings with respect to any claim that involves the same issues involved in a proceeding before the International Trade Commission (“ITC”)), Defendants TRW Automotive Holdings Corp. (“TRW Holdings”), TRW Automotive U.S. LLC (“TRW U.S.”), and TRW Vehicle Safety Systems Inc. (“TRW VSS”) (collectively, “TRW”) hereby respectfully move to stay Plaintiff Magna Electronics Inc.’s (“Magna”) Counts I and II for patent infringement of U.S. Patent Nos. 8,116,929 (““929 patent””) and 8,593,521 (““521 patent””) in view of Magna’s same allegations of infringement of the same two patents in the proceeding initiated by Magna before the United States International Trade Commission (“ITC”) in the recently instituted Investigation No. 337-TA-907. Stay is required until the ITC’s determination in Investigation No. 337-TA-907 becomes final. *See In re Princo Corp.*, 478 F.3d 1345, 1355 (Fed. Cir. 2007).

Magna is asserting infringement of the '929 and '521 patents in this action. (Dkt. No. 7.) Magna has simultaneously initiated a proceeding before the ITC under Section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in the matter titled *Certain Vision-Based Driver Assistance System Cameras and Components Thereof*, Investigation No. 337-TA-907. A stay of Magna's Counts I and II of infringement in this action is mandatory under 28 U.S.C. § 1659(a).

Pursuant to Local Civil Rule 7.1(d), counsel for TRW sought to obtain concurrence from counsel for Magna to stay the present case in its entirety in light of Magna's initiation of the ITC investigation. Counsel for Magna would not agree to stay the present case in its entirety, but did agree that the '929 and '521 "patents are subject to the tenants of 28 U.S.C. § 1659(a).<sup>1</sup> As such, the present motion addressing a stay of Counts I and II alleging infringement of the '929 and '521 patents is submitted as an unopposed motion.

TRW expressly reserves and does not waive any other defenses.

Respectfully submitted,

Dated: February 26, 2014

/s/Allan J. Sternstein

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<sup>1</sup> In view of Magna's response to TRW's request to stay the present case, the present motion only addresses the '929 and '521 patents. A separate motion addressing the remaining patents in this action will be filed shortly.

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